

REMARKS

I. Claim Status

Claims 43-58 are pending in this application.

II. Claim Rejections 35 USC §102

Claims 43-48 are rejected under 35 U.S.C. §102(e) for allegedly being anticipated by Fourny *et al.* (USPN 7,618,940). It is alleged that Fourny *et al.* has an earlier effective U.S. filing date and therefore, it constitutes prior art under 35 U.S.C. §102(e). Applicant respectfully traverses the rejection.

Applicant notes that the instant application and Fourny *et al.* share the same U.S. filing dates. Each application claims priority to U.S. Provisional Application Serial No. 60/431,351 filed on 12/6/2002; U.S. Provisional Application Serial No. 60/476,331 filed on 6/6/2003; and U.S. Provisional Application Serial No. 60/476,726 filed on 6/6/2003. Furthermore, both applications were filed on 12/4/2003.

Consequently, Fourny *et al.* does not anticipate the instant application because it is not prior art. Therefore, Applicant respectfully asks that the rejection under 35 U.S.C. §102(e) be withdrawn.

III. Claim Rejections 35 USC §103

Claims 43-58 are rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Fourny *et al.* (USPN 7,618,940). It is alleged that Fourny *et al.* has an earlier effective U.S. filing date and therefore, it constitutes prior art under 35 U.S.C. §103(a). Applicant respectfully traverses the rejection.

As noted above, the instant application and Fourny *et al.* share the same U.S. filing dates. Consequently, Fourny *et al.* is not prior art and hence, Applicant respectfully asks that the rejection under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

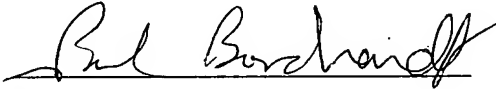
In view of the foregoing, Applicant submits that the claims are fully in condition for allowance and request notification to that effect.

The Commissioner is hereby authorized to charge any fees necessary in this communication to Deposit Account No. 50-0811, referencing Docket No. FP0602.1 US.

Please call Applicant's representative at 415-978-1748 with any questions regarding this communication or the above-identified application.

Respectfully submitted,

Date: 2-2-11

By: 

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